

Application No.: 10/008,326
Amendment Dated 26 Jan. 2004
Reply to Office Action dated August 25, 2003

REMARKS

Priority

Applicants are filing separately from this paper by express mail a certified copy of their priority document DE 100 54 984.5 as required by 35 U.S.C. § 119(b) and respectfully ask for confirmation that all requirements to perfect their claim of foreign priority have been met when such paper is received and entered.

Information Disclosure Statement

It was noted by the Examiner that the citation in the specification to DE 21 39 023 was apparently mistaken, since the reference corresponding to this citation does not disclose a device of the kind presently claimed. Applicants confirm this was a typographical error, which has been corrected above by amendment of the citation to DE 21 39 123. Since the correct citation also appears in the paragraph immediately following in the specification, the replacement paragraph above adds no new matter to the application.

It was further noted that DE 70 11 620 was not considered as it was in a non-English language and no explanation of its relevance was given. Applicants have discovered that this reference was listed in error; the correct reference, which was cited by the German Patent office in a counterpart application, is DE 70 11 820. Applicants are submitting the correct reference with a translation in an Information Disclosure Statement filed by

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express mail separately from this Amendment. Consideration of the reference on its merits upon its receipt by the Examiner is therefore respectfully solicited.

Specification

The formal objections to the specification at page 8, line 18 and page 9, lines 19 and 20 have been corrected by amendments above. No new matter has been added.

The specification was also objected to as lacking antecedent basis for the limitations of claims 3 and 4 as filed. Those limitations, which, being part of the claims and therefore the application as filed, form a part of the original disclosure, have now been added to the specification in the paragraph originally appearing at page 10, lines 13 through 16. No new matter has been added.

The Examiner has noted that the ventilating groove of claim 4 does not appear to be shown on the drawing. Applicants reply that the shape of the ventilating opening is not essential to an understanding of the invention, and therefore the alternative wherein the opening is in the form of a groove as opposed to a bore need not be separately illustrated.

Claim Rejections - 35 U.S.C. § 112

Claims 1-4 were rejected as indefinite in that it was not clear whether the material formed part of the claimed invention.

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Claim 1 has been amended to clarify that the material does not form part of the claimed invention in the manner suggested by the Examiner. Withdrawal of this ground of rejection is therefore respectfully solicited.

Claim Rejections - 35 U.S.C. §§ 102 and 103

Claims 1-4 have been rejected as anticipated by U.S. 5,842,802 (Lang et al.) and as obvious over Lang et al. in view of U.S. 4,664,547 (Rosenwinkel). Applicants respectfully traverse.

The device of Lang et al. does not anticipate the present claims because it does not disclose the claimed externally operated rotary grip provided at the sleeve base. The Lang et al. device has a grip provided at the dispensing end and not the base. Moreover, one of skill would not modify Lang et al. to move its grip from the dispensing end to the base, because this would directly contradict its most basic teaching. See col. 1, lines 51-55. References may not be modified in a way that renders them unsatisfactory for their intended purpose. M.P.E.P. § 2143.01.

CONCLUSION

In view of the amendments and remarks above, applicants ask for reconsideration and allowance of all pending claims. Applicants further ask for extension of the period for response two months to January 25, 2004 and authorize a charge to Deposit

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From:HENKEL CORPORATION PATENT DEPT,

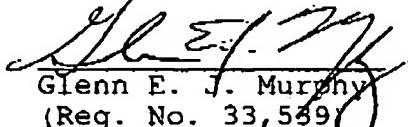
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Account No. 01-1250 in the amount of \$420.00 for the extension fee. Order No. 04-0027. Should any fees be due for entry and consideration of this Amendment that have not been accounted for, the Commissioner is authorized to charge them to Deposit Account No. 01-1250.

Respectfully submitted,


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